

### Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 5, and 12 have been amended. No claims have been cancelled or added.

Therefore, claims 1-16 are presented for examination.

### 35 U.S.C. §103(a) Rejection

Claims 1-7 and 10-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matoba (U.S. Patent No. 5,913,068), in view of Bealkowski et al. (U.S. Patent No. 6,378,027). Applicant submits that the present claims are patentable over Matoba in view of Bealkowski.

Matoba discloses a system to provide a computer which can attain both a decrease in power consumption and an increase in throughput in a multiprocessor configuration. More specifically, the system comprises a plurality of CPUs, a power supply for supplying power to the plurality of CPUs, a parallel degree switching means for changing the number of CPUs to be simultaneously operated by controlling operation/non-operation for each of the plurality of CPUs, detecting means for detecting a type of the power supply, a heat value, and a load of a CPU in operation, and control means for controlling the parallel degree in accordance with a detection result of the detection means and an operation environment setting set by a user or system software. (Matoba at col.1, ln. 60 – col. 2, ln. 10.)

Bealkowski discloses a method of servicing a processor array of a computer system by quiescing a processor selected for maintenance and removing the selected processor from a processor pool used by the computer's operating system. The selected processor is then powered down while maintaining power to and operating of the other

processors in the processor array. The selected processor may be identified as being defective, or may have been selected for upgrading. (Bealkowski at Abstract.)

Claim 1, as amended, recites:

A method of managing power generated within a computer system, the method comprising:  
operating the computer system at a first central processing unit (CPU);  
receiving a first signal at an operating system, the first signal generated by a thermal sensor within the first CPU;  
selecting by the operating system a second CPU to receive a workload of the first CPU based on the first signal;  
distributing the workload between the first CPU and the second CPU; and  
resuming operation of the computer system at the first CPU and the second CPU.

Applicant submits that Matoba does not disclose or suggest distributing the workload between the first CPU and the second CPU, and resuming operation of the computer system at the first CPU and the second CPU, as recited by claim 1. Matoba discloses a CPU taking over a task from another CPU when pre-determined conditions are met. (Matoba at col. 8, ll. 12-15.) The CPU having the task being taken-over is halted or stopped in Matoba when the other CPUs are taking over its task, and it further does not resume operation on the same task that was distributed to the other CPUs. (Id. at col. 7, ll. 56-60.) However, Matoba does not disclose distributing workload between CPUs, wherein the CPU that the task is being taken from continues operating on the same workload.

Furthermore, applicant can find no disclosure or suggestion of distributing the workload between the first CPU and the second CPU, and resuming operation of the computer system at the first CPU and the second CPU anywhere in Bealkowski. As neither Matoba nor Bealkowski disclose or suggest the cited feature of claim 1, any

combination of Matoba and Bealkowski also cannot disclose or suggest the feature. Therefore, claim 1 is patentable over Matoba in view of Bealkowski. Claims 2-4 depend from claim 1 and include additional limitations. Therefore, claims 2-4 are also patentable over Matoba.

Claim 5, as amended, recites:

A computer system comprising:  
a first central processing unit (CPU); and  
a second CPU,  
wherein an operating system distributes the operation of the first CPU between the first CPU and the second CPU upon the first CPU reaching a predetermined power threshold.

As discussed above, Matoba in view of Bealkowski does not disclose or suggest an operating system distributing the operation of the first CPU between the first CPU and the second CPU upon the first CPU reaching a predetermined power threshold.

Therefore, claim 5 is patentable over Matoba in view of Bealkowski for the reasons discussed above with respect to claim 1. Claims 6-7 and 10-11 depend from claim 5 and include additional limitations. As a result, claims 6-7 and 10-11 are also patentable over Matoba in view of Bealkowski.

Claims 8,9 and 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matoba and Bealkowski et al., in view of Applicant's Admitted Prior Art [AAPA]. Applicant submits that the present claims are patentable over Matoba and Bealkowski, even in view of AAPA.

Independent claims 5 and 12 both disclose an operating system distributing the operation of the first CPU between the first CPU and the second CPU upon the first CPU reaching a predetermined power threshold. As discussed above, Matoba in view of

Bealkowski does not disclose or suggest such a feature. Nor does the AAPA disclose or suggest such a feature. Therefore, Matoba, Bealkowski, and AAPA, individually or in combination, do not disclose or suggest the cited feature of claims 5 and 12.

Accordingly, claims 5 and 12 are patentable over Matoba and Bealkowski, further in view of AAPA. As claims 8-9 and 13-16 depend from claims 5 and 12, respectively, and include additional limitations, claims 8-9 and 13-16 are also patentable over Matoba and Bealkowski, further in view of AAPA.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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